

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

THE OHIO BELL TELEPHONE CO., INC.,:

Plaintiff,

v.

GLOBAL NAPS OHIO, INC., ET AL.,

Defendant.

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Case No. C2-06-CV-549

JUDGE ALGENON L. MARBLEY

Magistrate Judge Kemp

AGREED SCHEDULING ORDER

This matter is before the Court on Plaintiff's and Defendants' joint oral motion asking this Court to vacate both the Order Setting Trial Date and Referring Case to Mediation [Doc. 154] and the Agreed Scheduling Order [Doc. 150] because of developments in a related case in the Northern District of Illinois captioned *Illinois Bell v. Global NAPs Illinois*, No. 06-C-3431, and to allow the parties to file cross motions for summary judgment. Accordingly, the parties' motion is **GRANTED** and the following schedule shall now govern:

1. All discovery has been completed and no additional discovery shall be permitted absent agreement of the parties or leave of Court.

2. Plaintiff filed a motion for summary judgment on November 9, 2009. [Doc. 159]. The Court GRANTS for good cause shown Plaintiff's unopposed motion for leave to file such summary judgment motion.

3. Defendants shall respond to Plaintiff's motion for summary judgment on or before December 3, 2009. Defendants also may file a cross-motion for summary judgment on or before said date. Plaintiff shall file its combined reply in support of its motion for summary judgment

and memorandum contra to Defendants' cross motion for summary judgment on or before January 4, 2010. Finally, Defendants shall file their reply memorandum in support of their motion for summary judgment on or before January 19, 2010.

4. The Court will convene a scheduling conference to discuss an Order Setting Trial Date following decisions on the parties' motions for summary judgment if issues remain for trial.

Counsel for the parties are to appear before this Court for oral argument on the Motion for Summary Judgment on **February 12, 2010 at 2:00 p.m.** in Court Room 1, Room 331 of the U. S. Courthouse located at 85 Marconi Boulevard, Columbus, Ohio. Upon arrival, counsel will enter their appearance with the Court Reporter and the Courtroom Deputy Clerk before the start of the opening session of the hearing or any other proceeding before the Court.

Oral argument in this case may not be continued by stipulation of the parties or counsel, but only by an order of the Court on good cause shown. Any request for a continuance should be made promptly after the reason for seeking the continuance becomes known.

Counsel should be prepared to argue for twenty (20) minutes. The movant will argue first and will have the option of reserving up to five (5) minutes for rebuttal.

Counsel should prepare for oral argument with the knowledge that this Court has already studied the memoranda related to summary judgment. Reading from briefs, decisions or the record is not recommended except in unusual circumstances. Counsel should be prepared to answer questions raised by the Court.

This order supersedes all previous orders in this case to the extent previous orders are inconsistent with this order.

IT IS SO ORDERED.

/s/ Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: November 17, 2009